

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**UNITED STATES OF AMERICA,
Plaintiff,**

v.

Criminal Action No. 2:14-cr-20-5

**JUSTIN GREGORY RIFFE,
Defendant.**

REPORT AND RECOMMENDATION

On April 15, 2014, a Grand Jury attending the Northern District of West Virginia returned an Indictment against Defendant and six co-defendants, charging them with various drug-related crimes. (Docket No. 1.) Defendant appeared via summons for an initial appearance on September 19, 2014. At that time, he was released pursuant to an Order Setting Conditions of Release.

On October 22, 2014, a one-Count Information was filed against Defendant, charging him with distribution of a laboratory supply knowingly to manufacture methamphetamine, in violation of 21 U.S.C. § 842(a)(11) & (c)(2)(A). (Criminal Action No. 2:14-cr-39, Docket No. 1.) On November 4, 2014, Defendant appeared before the undersigned for an initial appearance, arraignment, and plea hearing as to that Information. Defendant consented to proceeding before the undersigned and waived his right to enter a guilty plea before and be sentenced by a United States district judge. (Criminal Action No. 2:14-cr-39, Docket No 6.) He entered a plea of guilty to the one-count Information, and the undersigned deferred acceptance of his plea until receipt and review of the Presentence Investigation Report. (Criminal Action No. 2:14-cr-39, Docket No. 7.)

On February 26, 2015, came Defendant, in person and by counsel, Lary Garrett, and came the United States, by Assistant United States Attorney Stephen Warner, for sentencing in this matter. The Court imposed a sentence of three (3) years' probation, with the first three (3) months to be served in custody. Following sentencing, counsel for the Government orally moved for the

Indictment in this matter to be dismissed as to Defendant. The Judgment and Commitment Order was entered on March 2, 2014. (Criminal Action No. 2:14-cr-39, Docket No. 14.)

RECOMMENDATION

For the foregoing reasons, the undersigned recommends that the Indictment filed in Criminal Action No. 2:14-cr-20 be **DISMISSED** as to Defendant Justin Gregory Riffe.

Any party may, within fourteen (14) days after being served with a copy of this Report and Recommendation, file with the Clerk of the Court written objections identifying the portions of the Report and Recommendation to which objection is made, and the basis for such objection. A copy of such objections should also be submitted to the Honorable John Preston Bailey, United States District Judge. Failure to timely file objections to the Report and Recommendation set forth above will result in waiver of the right to appeal from a judgment of this Court based upon such Report and Recommendation. 28 U.S.C. § 636(b)(1); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); Thomas v. Arn, 474 U.S. 140 (1985).

The Clerk of the Court is directed to provide a copy of this Report and Recommendation to counsel of record.

DATED: March 2, 2015

/s/ John S. Kaull

JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE